APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,210	04/24/2001	Bong-Ho Shin	1455-010672	5864

28289	7590	02/23/2005

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EXAMINER
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ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 April 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Summary

1.   Claims 1-14 are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1- 6 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Von Kohorn US 5,759,101 in view of Gerace US 5,848,396.

Regarding Claim 1, Kohorn teaches:

inputting a plurality of subjects to be surveyed and information related thereto

(column 76 line 61-67, information related to a plurality of interest areas can be inputted

and stored in memory);

providing the plurality of subjects and the information to the participant (column

76 line 40-47, televised program transmitted plus answering instructions);

selecting a subject among the plurality of subjects at the participant (column 76

line 24-26, participants can choose the area of interest);

inputting a betting amount to said selected subject at the participant and

transmitting the selection and the betting amount (column 12 line 6-8, invention is

applicable to making, evaluation and rewarding of predictions; column 15 line 17-23,

betting based on prediction of event, such as sports game or card game; column 72 line

47-49, participants may choose a specific event and specify the amount the wish to bet)

and;

counting the number of selections for each of the subjects during a

predetermined term to choose a subject receiving the most number of selections

(column 24 line 31-43, invention can be used to track peoples' responses to products,

services, and other subjects of surveys);

paying a dividend proportional to the betting amount to the participants selecting

the subject receiving the most number of selection clicks (column 72 line 45-53, users

can bet on the outcome of an event, including polls and surveys and a subject which

received the most betting amount; column 45 line 20-24, award or prize won is

computed in accordance with the response criteria, including proportional to the inputted

betting amount. The concept of a dividend being proportional to inputted betting

amount is also old and well known in the art);

analyzing a preference degree for each of the plurality of subjects based on the

number of selection clicks for each of the plurality of subjects (column 14 line 63-66,

results produced by surveys can be scored and statistically analyzed; column 20 line

45-49 survey response data can be analyzed; column 20 line 51-55, answered

questions from survey can be processed);

analyzing a preference strength for each of the plurality of subjects based on the

sum of the betting amount for each of the plurality of subjects (column 14 line 26-31,

scoring includes analyzing and processing responses; column 72 line 51-53, outcome of

wager is capable of being defined in terms of scores and other measurements).

Kohorn does not teach:

a step for inputting and storing a plurality of subjects desired to survey and

information related thereto to said server computer ,

a step for indicating said stored plural subject and information related

thereto to participant computer connected to said server computer and selecting

one subject among plural subjects by participant,

Gerace teaches:

a step for inputting and storing a plurality of subjects desired to survey and

information related thereto to said server computer (Figure 2 #27, web server; column

11 line 57-63, sponsor advertisements stored);

a step for indicating said stored plural subject and information related

thereto to participant computer connected to said server computer and selecting

one subject among plural subjects by participant (column 7 line 30-31, advertisements

are stored as objects on computer and can be displayed and selected by participant on

computer web page).

Gerace teaches that the Internet allows users worldwide to immediately be

informed of what is happening in the world without having to wait to be informed by

slower means of communication (column 1 line 52-60, business are offering information

on the internet that is near real-time, with a 15 minute delay). Gerace also teaches that

the internet became interactive in 1994, with the capability of 'forms', where users could

enter information to be sent back to the web site.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Kohorn, as discussed above, with the teachings of

Gerace, because it would provide users the ability to interact worldwide with surveys

that allowed the users to select subjects and place bets.

Regarding Claim 2, Kohorn teaches analyzing a preference strength of an

individual participant for the selected subject based on the amount of betting to the

selected subject (column 14 line 26-31, scoring includes analyzing and processing

responses; column 72 line 51-53, outcome of wager is capable of being defined in terms

of scores and other measurements).

Regarding Claim 3, Kohorn teaches wherein said step wherein said step of

analyzing a preference strength includes a step of analyzing a preference strength for

each surveying subject by average betting amount per participant to each of the plurality

of subjects and dispersing a proportional part of the betting amount. (column 14 line 26-

31, scoring includes analyzing and processing responses; column 72 line 51-53,

outcome of wager is capable of being defined in terms of scores and other

measurements; column 93 line 15-17, lower nonzero scores awarded to players of a

wager; column 93 line 17-20, average is calculated; column 93 line 30-33, dispersing

amount is calculated by multiplying scores by amounts to be awarded, including

dispersing a proportional part of betting amount).

Regarding Claim 4, Kohorn teaches inputting a plurality of subjects to be

surveyed and information related thereto at the participant computer (column 76 line 21-

26, contestants can choose from specific types of categories of questions; column 76

line 40-46, televised program transmits answering instructions and scoring criteria for

answering questions).

Kohorn does not teach transmitting the plurality of subjects and the information

related thereto to the server computer.

Gerace teaches transmitting the plurality of subjects and the information related

thereto to the server computer (Figure 2 #27, web server; column 11 line 57-63,

sponsor advertisements stored; column 7 line 30-31, advertisements are stored as

objects on computer and can be displayed and selected by participant on computer web

page).

Gerace teaches that the Internet allows users worldwide to immediately be

informed of what is happening in the world without having to wait to be informed by

slower means of communication (column 1 line 52-60, business are offering information

on the internet that is near real-time, with a 15 minute delay and slower forms of

communication can take up to 12 hours to disseminate). Gerace also teaches that the

internet became interactive in 1994, with the capability of 'forms', where users could

enter information to be sent back to the web site.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Kohorn, as discussed above, with the teachings of

Gerace, because it would provide users the ability to interact worldwide with surveys

that allowed the users to select subjects and place bets.

Regarding Claim 5, Kohorn teaches a step a step for providing predetermined

compensation to a participant who inputted the subject which received most number of

selections (column 13 line 65- column 14 line 2, dispensers can reward winners with

gold stars or other tokens, winners consisting of those who have provided answers

meeting predetermined response criteria).

Kohorn does not teach 'clicks'. Furthermore, it is well settled that it is not

"invention" to broadly provide a mechanical or automatic means to replace manual

activity which has accomplished the same result. In re Venner, 120 USPQ 192.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Kohorn, as discussed above, with providing means

to use clicks to denote the inputting of a subject, because it would automate the

inputting of a selection.

Regarding Claim 6, Kohorn teaches selecting a predetermined number of survey

subjects among the plurality of survey subjects inputted during the predetermined term

(column 76 line 61-67, information related to a plurality of interest areas can be stored in

memory; column 76 line 40-47, televised program transmitted plus answering

instructions; column 76 line 24-26, participants can choose the area of interest).

Regarding Claim 9, Kohorn teaches wherein the betting is made with cyber

money (column 73 line 33-43, a bettor's credits and debits can be automatically debited

to and credited from the bettor's bank account using signals sent over telephone wires).

Regarding Claim 10, Kohorn teaches wherein said dividend is paid with cyber money (column 73 line 27-32, winning bet results in magnetized card being generated; column 73 line 33-43, a bettor's credits and debits can be automatically debited to and credited from the bettor's bank account using signals sent over telephone wires).

Regarding Claim 11, Kohorn teaches wherein said plurality of particular subjects to be surveyed are plurality of different brands of a single type of commodity (column 24 line 44-49, consumer research can be done to determine buyer responses to products and services, including different brands of a single type of commodity).

Regarding Claim 12, Kohorn and Gerace teaches all the limitations above except for:

counting a sum of betting amounts for each of the plurality of subjects during a predetermined period of time to choose a subject receiving the most amount of betting (column 93 line 34-35, in the case of computing the scores in horse racing gambling, the computer calculates the total amount wagered for each horse in order to determine which horse received the most amount of betting and then to calculate payouts based on the betting amounts);

a step for paying a dividend proportional to inputted betting amount to participants who selected the subject receiving the most amount of betting (column 72 line 45-53, users can bet on the outcome of an event, including polls and surveys and a subject which receives the most amount of betting; column 45 line 20-24, award or prize won is computed in accordance with the response criteria, including proportional to the inputted betted amount).

Regarding Claim 13, Kohorn teaches wherein said plural particular subjects

desired to survey are a rising trend, steadiness, and dropping trend of any stock

(column 68 line 46-48, system lends itself to conducting tasks involving predictions of

the outcome of future events, including the rising trend, steadiness, and dropping trend

of any stock).

Regarding Claim 14, Kohorn teaches wherein said particular term is from any

time after closing of stock market up to any time before opening of next stock

market (column 68 line 46-48, system lends itself to conducting tasks involving

predictions of the outcome of future events, including a term that is from any time after

closing of stock market up to any time before opening of next stock market).

3.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Von

Kohorn US 5,759,101 in view of Gerace US 5,848,396 and further in view of the history

of US quiz and game shows during the late 1940's and 1950's as discussed in the

following document: Hoerschelmann, Olaf, "Quiz and Game Shows", www.museum.tv

www.museum.tv/achives/etv/Q/quizandgame/quizandgame.htm, hereafter referred to as

Reference A.

Regarding Claim 7, Kohorn teaches a step for paying a premium or

predetermined amount of cyber money to a participant (column 24 line 55-57,

respondents to surveys are rewarded by the issuing of certificates, coupons or the like

to them). Kohorn does not teach paying a premium for a participant who inputted the

subject to be surveyed and information related thereto.

The concept of rewarding participants who inputted a subject to be surveyed and
information related thereto is old and well known in the art, as evidenced by
Hoerschelmann (Reference A page 2 paragraph 2 line 9-14). During quiz shows of the
1940's and 1950's in the US, viewers were rewarded with prizes (money or consumer
goods) for submitting questions that were used on the air.

It would have been obvious to one of ordinary skill in the art at the time of the
invention to modify the collective teachings of Kohorn and Gerace, as discussed above,
with rewarding participants who inputted the subject to be surveyed and information
relating thereto, because it would provide a means to incorporate input from participants
and thus increase the degree of audience participation and thus increase the a show's
ratings.

4.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Von
Kohorn US 5,759,101 in view of Gerace US 5,848,396 and further in view of
AllAdvantage.com as discussed in the following document: web.archive.org,
alladvantage.com, May 8, 1999 p.1, hereafter referred to as Reference A.

Regarding Claim 8, Kohorn does not teach a step of paying a predetermined
amount of cyber money to a member at a time when a participant joins as a member of
said web site. Alladvantage.com teaches a step in of paying a predetermined amount
of cyber money to a member at a time when a participant joins as a member of said
web site (Reference A page 1 line 1-4, website pays web surfers and advertises joining
now to earn money when a person is on the web). Alladvantage teaches providing

participants compensation in order to encourage online browsing and shopping

(Reference A page 1 line 6-7).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the collective teachings of Kohorn and Gerace, as discussed above,

with paying predetermined amount of cyber money to a member at a time when a

participant joins as a member of said web site, as taught by alladvantage.com, because

it would provide participants an incentive to perform online browsing and shopping and

improve the visitation and shopping rate of those retailers who had websites on the

Internet.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

US 5,057,905 by Kohorn discloses a system and method for attracting shoppers

to sales outlets.

US 6,070,145 by Pinsley discloses respondent selection method for network-

based survey.

US 5,586,937 by Menashe discloses interactive computerized gaming system

with remote terminals.

US 5,950,172 by Klingman discloses secured electronic rating system.

US 5,283,734 by Kohorn discloses a system and method of communication with

authenticated wagering participation.

US 5,034,807 by Kohorn discloses a system for evaluation and rewarding of responses and predictions.

US 6,435,511 by Vancura discloses apportionment of pay out of casino game with progressive account.

US 5,583,763 by Atcheson discloses a method and apparatus for recommending selections based on preferences in a multi-user system.

US 4,355,372 by Johnson discloses a market survey data collection method.

US 6,175,833 by West discloses a system and method for interactive live online voting.

US 6,256,614 by Wecker discloses an internet system for producing electronic reward cards.

"Family Feud™" television show: "Feud History", www.familyfeud.tv/history.html.

Celko, Joe, "Voting systems: what do social decision theory systems have in common with networks?", Nov 1992, DBMS, v5n12, pp.1-6.

Kannan, P.K., "Marketing Information on the I-Way – Data Junkyard or Gold Mine?", March 1998, v41n3, pp.35-43.

Hogan, Jan, "Silicon Gaming hopes 'Feud' yields fortune", lasvegas.com Gaming Wire, June 5, 2000, pp.1-2.

Stricklyslots.com Archives of August 2000, "In Depth: Family Feud", Legato, Frank, pp.1-7.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jonathan G. Sterrett whose telephone number is 703-

305-0550. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JGS 2-9-05

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